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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,362	08/04/2003	Wilco Dijkstra	550-455	5128
23117	7590	01/16/2008	EXAMINER	
NIXON & VANDERHYE, PC			MOLL, JESSE R	
901 NORTH GLEBE ROAD, 11TH FLOOR			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22203			2181	
MAIL DATE		DELIVERY MODE		
01/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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NIXON & VANDERHYE P.C.
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of: FLYNN et al.
Application No. 10/633,362
Filed: January 21, 2003
For: A DATA PROCESSING APPARATUS AND
METHOD FOR SWAPPING DATA VALUES

DECISION ON PETITION

This is a decision on the petition filed on October 10, 2007, requesting withdrawal of Notice of Non-compliant appeal brief mailed September 10, 2007. This petition is being treated as petition under 37 CFR 1.181(a) to invoke Supervisory Authority with respect to the Office communication mailed on September 10, 2007, and withdraw the Notice of non-compliant Appeal Brief.

The Petition is **GRANTED**.

RECENT PROSECUTION HISTORY

September 29, 2006	Final Rejection mailed.
January 29, 2007	Applicant filed response to final rejection above.
February 20, 2007	Advisory action mailed.
February 28, 2007	Pre-Brief Conference Request filed.
April 30, 2007	Pre-Brief Conference Decision mailed.
May 30, 2007	Appeal Brief filed.
September 10, 2007	Notice of Non-compliant appeal brief mailed, requesting applicant to point out specifically and concisely where in the specification the claimed limitations are taught.

October 10, 2007

Instant petition requesting withdrawal of Notice of Non-compliant appeal brief mailed September 10, 2007.

Petitioner filed the instant petition on October 10, 2007, requesting that the Notice of Non-compliant brief be withdrawn stating that in the instant application "the referenced portions of the specification extending over multiple pages are identified as necessary to understanding the claimed element and the claimed interrelationship of that element with other elements of the claim".

37 CFR § 41.37(c)(1)(v) states:

Summary of claimed subject matter. A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

As per the above rule, applicant is required to make a "concise explanation" of the subject matter defined in each of the independent claims involved in the appeal. A review of the Appeal Brief filed on May 30, 2007 indicates that applicant has indeed cited multiple pages for many of the claim limitations, with same sections of text being cited for more than one claim limitation. However, applicant states that the nature of the application and specification in the instant application is such that the "concise explanation" will necessarily have to be referenced over a number of pages.

For the above stated reason, the petition is **GRANTED**. The Notification of Non-complaint Appeal Brief mailed September 10, 2007, is hereby vacated.

The application has been forwarded to examiner of record to consider the Appeal Brief filed on May 30, 2007, and issue an appropriate Office Action.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-4210.


Mano Padmanabhan
WQAS, Technology Center 2100
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